

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD RENKOWIC

Plaintiff,

v.

FRANKLIN COUNTY HOUSE OF
CORRECTIONS
SHERIFF FREDERICK MACDONALD,
SUPERINTENDENT BYRON,
DEPUTY SUPERINTENDENT SHEPARD
DEPUTY SUPERINTENDENT FRITZPATRICK,
CAPTAIN HILL, SARGEANT CINDY
HAWKENS AND
SECRETARY DEFEO

Defendants.

CIVIL ACTION

NO. 04-30202-MAP

FILED
DISTRICT COURT
DISTRICT OF MASS.

THE DEFENDANT FRANKLIN COUNTY JAIL'S MOTION TO DISMISS

Pursuant to the provisions of Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Defendant Franklin County Jail moves this Court to dismiss the above-entitled action for failure to state a claim upon which relief can be granted.

In support of such Motion, the Defendant states that the Eleventh Amendment of the United States Constitution bars a suit in federal court against a state or its agencies. The Defendant incorporates by reference its Memorandum of Law in Support of its Motion as if expressly set forth herein.

WHEREFORE, the Defendant Franklin County Jail respectfully requests that the above action be dismissed for failure to state a claim upon which relief can be granted.

Respectfully submitted,
Commonwealth of Massachusetts
By Its Attorney,

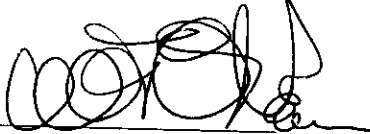
THOMAS F. REILLY
ATTORNEY GENERAL



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CERTIFICATE OF SERVICE

I, William P. O'Neill, Assistant Attorney General, Western Massachusetts Division, 1350 Main Street, Springfield, MA 01103-1629 do hereby certify that on January 14, 2005, I caused the foregoing Defendant Franklin County Jail's Motion to Dismiss and the Defendant Franklin County Jail's Memorandum of Law in Support of Its Motion to Dismiss to be served upon the parties in this action by mailing a copy of the same, postage prepaid, first class mail to the Plaintiff pro se, Donald Renkowic, 205 Rocky Hill Road ,Northampton, Massachusetts 01061.



William P. O'Neill
Assistant Attorney General